

**Regular Meeting of the  
Housing Trust Fund and Homelessness Solutions Committee  
(HTFHSC) June 10, 2020, 1:30 p.m.  
Teleconference**

**AGENDA**

**In accordance with Executive Order N-29-20 the HTFHSC meetings will be held virtually until further notice. You may access the meeting by calling (669) 900-6833. Meeting ID: 656 611 0112 Password: 077011**

**The Chair will give the public opportunities to comment on each agenda item over the phone.**

**If you are a person with a disability, and you need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board at (707) 476-2384, or (707) 445-7299 (fax). Requests for such modifications or accommodations must be made at least three full business days before the start of the meeting.**

I.	Call to Order
II.	Roll Call
III.	Agenda Modifications
IV.	Public Comment for Non-Agenda Items
V.	Input on Activities to Address Homelessness Using Community Development Block Grant (CDBG) COVID-19 Funding
VI.	Accessory Dwelling Unit Ordinance Discussion
VII.	Approval of Proposed Board Packet/Resolution to Board of Supervisors re: Adoption of By-Laws and Permanent Local Housing Allocation (PLHA) Funding Recommendation(s)
VIII.	Committee Member Appointments Update
VIII.	Announcements
IX.	Agenda Items for Next Meeting
X.	Adjourn

**Attachments:**

- Housing Trust Fund and Homelessness Solutions Committee Bylaws
- Draft Agenda Item Re: Certification of Humboldt County Housing Trust Fund and Homelessness Solutions Committee's Adopted Bylaws
- Draft Resolution of the Humboldt County Board of Supervisors Certifying the Bylaws of the Humboldt County Housing Trust Fund and Homelessness Solutions Committee
- Accessory Dwelling Unit Ordinance Presentation

- CDBG Covid-19 Response Summary Sheet
- 2020 CDBG-CV Notice of Funding Availability Frequently Asked Questions
- Correspondence with California Department of Housing and Community Development Regarding Eligible Uses of Permanent Local Housing Allocation Funds
- Letter from the Humboldt County Planning and Building Department to the Housing Trust Fund and Homelessness Solutions Committee Regarding the Accessory Dwelling Unit Ordinance Presentation

# Bylaws

## Housing Trust Fund and Homelessness Solutions Committee

### **Description**

The Housing Trust Fund and Homeless Solutions Committee (HTFHSC) is established pursuant to Government Code §31000.1 by Board of Supervisors, County of Humboldt Resolution 18-73, which rescinds and supersedes Board of Supervisors, County of Humboldt Resolution 18-14. The HTFHSC was established in response to the County's direction to create an Affordable Housing Trust Fund, also known as the Housing Trust Fund.

### **Purpose**

HTFHSC's purpose is to recommend criteria for the receipt and use of Affordable Housing Trust Fund monies to assist the County in meeting its affordable housing goals. The HTFHSC shall consider all applicable state and federal housing programs and funding sources available for affordable housing and homelessness solutions with a goal of addressing the highest unmet need. The HTFHSC shall make recommendations to the Board of Supervisors regarding which proposals should be funded.

### **Membership**

The Committee shall be composed of eleven (11) voting members. Members are appointed by the Board of Supervisors as set forth in the governing Resolution.

## **Term of Office**

Member appointments are for a term of four years, except that at the first meeting of the committee four members shall be randomly selected to serve for a two-year term. Members appointed by individual Supervisors shall serve at the pleasure of their appointing Supervisor; the remaining four members shall serve at the pleasure of a majority of the Board of Supervisors. There are no restrictions on reappointment of members to successive terms.

## **Officer Nominations, Duties and Staffing**

1. **Nominations.** At the first meeting held on June 26, 2018, HTFHSC members selected a Chair and a Vice Chair. In each anniversary month thereafter, new officers will be nominated and selected. Existing officers may be nominated to serve a successive term.
2. **Duties.** The Chair shall preside at all meetings and shall provide the agenda for such meetings. The Chair shall publicly announce the format and timelines for submitting agenda items. The Vice Chair shall preside in the absence of the Chair and shall assist the Chair in the conduct of their office.
3. **Designated Staff Member.** One staff member with the Department of Health and Human Services (DHHS) is designated to serve as secretary to the HTFHSC. The Secretary keeps the minutes of all meetings, prepares and receives correspondence under the direction of the Chair or Vice Chair, sends notices of meetings, provides general administrative support, and maintains membership lists and the files of the HTFHSC. The DHSS staff member is not a member of the HTFHSC and cannot vote on any item that comes before the HTFHSC.

## **Meetings**

1. **Regular Meetings.** The HTFHSC holds regular meetings at an agreed upon time and place.

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**2. Special Meetings.** The HTFHSC may hold special meetings as shall be required from time to time.

Special meetings shall be called by the Chair or, in his/her absence from the County, by the Vice Chair.

Special meetings are effective for the transaction of business only if each member is provided notice at least 48 hours in advance of the special meeting. All notices of a special meeting must contain the subject of the special meeting.

**3. Quorum.** A quorum consists of six members of the HTFHSC. To be valid, any action taken at a regular or special meeting must be approved by a majority of the HTFHSC members who are present and voting, and only if a quorum is present.

## **Resignation or Removal of Members**

1. **Resignation.** HTFHSC members are permitted to resign from the Committee. Any voluntary vacancy of a Committee member must be reported by the Chair to the Board of Supervisors within one week of receiving notice of the resignation. The Chair also will request a new member appointment from the Board of Supervisors to carry out the unexpired term of the resigned member.

2. **Removal.** Any HTFHSC member who is absent from three consecutive regular meetings without showing good cause to the Chair shall be removed from the HTFHSC. At the fourth consecutive regular meeting, the absent member's appointment to the HTFHSC is withdrawn and the member's seat automatically becomes vacant. Within one week of the fourth consecutive regular meeting upon which the seat is vacated, the Chair will report the vacancy to the Board of Supervisors. At that time, the Chair also will request a new member appointment from the Board of Supervisors to carry out the unexpired term of the removed member.

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## **Open Meetings**

All HTFHSC meetings are open to the public and subject to the Ralph M. Brown Act, Government Code, §§ 54950, et seq. HTFHSC carries out its functions in accordance with the Brown Act and procedures established by the Board of Supervisors. In the absence of such procedures, the HTFHSC establishes its own procedures consistent with State and local law and the current edition of Robert's Rules of Order. If necessary, HTFHSC will obtain input and advice from appropriate County staff about procedures for carrying out its duties. Each member of the HTFHSC will comply, at all times, with all laws and procedures governing the open meeting requirement.

## **Conflict of Interest Code**

HTFHSC is subject to all applicable laws regarding conflicts of interest, including the Political Reform Act, Government Code, §§ 81000, et seq., and the Humboldt County Conflict of Interest Code. Each member of the HTFHSC will comply, at all times, with all applicable laws.

## **Duties**

The duties of the HTFHSC include:

1. Ongoing review of the County's current and projected homelessness assistance and affordable housing revenues and expenditures.
2. Ongoing review of federal, state, and local government funding sources for affordable housing and homelessness solutions and services.
3. Maintaining a spreadsheet listing potential private funding sources for affordable housing and homelessness solutions.

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4. Becoming familiar with the County's role as a service provider.
  5. Providing a forum for public expression of desires regarding expenditure of funds derived from Affordable Housing Trust Fund and homelessness solutions.
  6. Working with the Department of Health and Human Services and members of the public to address potential public concerns about expenditure of funds derived from the Affordable Housing Trust Fund.
  7. Providing recommendations on ongoing sources of funding for the Affordable Housing Trust Fund.
  8. Providing recommendations on homelessness solutions.
  9. Preparing a draft ordinance and/or resolution setting forth criteria governing the Affordable Housing Trust Fund.
  10. Preparing, and amending as necessary, formal draft bylaws to be adopted by the Committee.
  11. Making recommendations to the Board of Supervisors for expenditures from the Affordable Housing Trust Fund pursuant to the criteria developed by the HTFHSC's Policies and Procedures as adopted by the Board of Supervisors.
  12. Evaluating potential shelter crisis projects and making recommendations regarding such projects pursuant to the criteria developed by the HTFHSC's Policies and Procedures as adopted by the Board of Supervisors.

## **Bylaw Amendments**

These Bylaws may be amended, repealed or modified by the affirmative vote of a majority of the HTFHSC at a regularly scheduled meeting provided the proposed changes have been provided to all members of the HTFHSC at least two weeks in advance of the meeting.

## **Adoption of Bylaws**

We, the undersigned, are all of the current members of this committee, and we consent to, and hereby adopt, the foregoing Bylaws, consisting of 7 pages, as the Bylaws of the Housing Trust Fund and Homelessness Solutions Committee (HTFHSC).

ADOPTED AND APPROVED by the HTFHSC Members on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: *S. Lynn Martinez*  
Lynn Martinez, HTFHSC Vice Chair  
Appointment: Humboldt Housing and Homeless Coalition

By: *Nezzie Wade*  
Nezzie Wade, HTFHSC Member  
Appointment: District 1

By: *Patte Rae*  
Patte Rae, HTFHSC Member  
Appointment: District 2

By: \_\_\_\_\_  
VACANT, HTFHSC Member  
Appointment: District 3

By: *Andrew Rix*  
Andrew Rix, HTFHSC Member  
Appointment: District 4



By: John Calkins  
John Calkins, HTFHSC Member  
Appointment: District 5

By: Michelle Nielsen  
Michelle Nielsen, HTFHSC Member  
Appointment: County of Humboldt Planning Department

By: Sally Hewitt  
Sally Hewitt, HTFHSC Member  
Appointment: County of Humboldt Department of Health & Human Services

By: Marc Delaney  
Marc Delaney, HTFHSC Member  
Appointment: Board of Supervisors (Member Experienced in Affordable Housing Project Development)

By: Brett Watson  
Brett Watson, HTFHSC Member  
Appointment: Board of Supervisors (Member-At-Large)

## **ATTACHMENT 1**

- a. Resolution of the Humboldt County Board of Supervisors
- b. Attachment A: Bylaws adopted by the Housing Trust Fund and Homelessness Solutions Committee on December 4, 2018

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on \_\_\_\_\_

RESOLUTION NO. 20-\_\_

**RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF SUPERVISORS  
CERTIFYING THE BYLAWS OF THE HUMBOLDT COUNTY HOUSING TRUST  
FUND AND HOMELESSNESS SOLUTIONS COMMITTEE**

**WHEREAS**, on February 27, 2018, the Board of Supervisors approved Resolution 18-14; Establishing a Housing Trust Fund and Homelessness Solutions Committee (“HTFHSC”);

**WHEREAS**, Resolution 18-14 charged the HTFHSC with the drafting and adoption of formal Bylaws;

**WHEREAS**, on May 8, 2018, the Board of Supervisors adopted Resolution 18-73, correcting clerical errors in the original Resolution 18-14 but leaving all duties and responsibilities of the HTFHSC in place;

**WHEREAS**, on December 4, 2018, the HTFHSC formally approved and adopted Bylaws governing the HTFHSC;

**NOW, THEREFORE**, the Board of Supervisors of the County of Humboldt resolve as follows:

1. The Bylaws adopted by the HTFHSC on December 4, 2018 and as reaffirmed by members of the HTFHSC on March 17, 2020, define the HTFHSC purpose, membership, term of office, officer nomination and duties, designation of staffing, meetings, including that meetings shall be open to the public and subject to the Ralph M. Brown Act, Government Code Section 54950, et seq., removal of members, conflict of interest, the duties of the HTFHSC, and the Bylaw amendment process.
2. The Bylaws of the HTFHSC, adopted by the HTFHSC on December 4, 2018 and attached hereto as Attachment A, are hereby certified and effective immediately.

Adopted after review and consideration of all the administrative record of proceedings in on \_\_\_\_\_, 2020.

The motion was made by Supervisor \_\_\_\_\_ and seconded by Supervisor \_\_\_\_\_.

AYES: Supervisor:

NOES: Supervisor:

ABSTAIN: Supervisor:

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on \_\_\_\_\_

RESOLUTION NO. 20-\_\_

ABSENT: Supervisor:

DECISION:

Dated: \_\_\_\_\_

Estelle Fennell, Chair  
Humboldt County Board of Supervisors

STATE OF CALIFORNIA) ) SS.  
County of Humboldt)

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California

By: KATHY HAYES

Date: , 2020

By \_\_\_\_\_  
Deputy

**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Departmental

**SUBJECT:**

Certification of Humboldt County Housing Trust Fund and Homelessness Solutions Committee's Adopted Bylaws.

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Review and discuss the Humboldt County Housing Trust Fund and Homelessness Solutions Committee's ("HTFHSC") Bylaws in Attachment 1; and
2. Adopt the Resolution in Attachment 2 certifying the Bylaws as approved and adopted by the HTFHSC on December 4, 2018

**SOURCE OF FUNDING:**

General fund.

**DISCUSSION:**

On February 17, 2018, the Board of Supervisors adopted Resolution No. 18-14 which established the Humboldt County Housing Trust Fund and Homelessness Solutions Committee ("HTFHSC"). That resolution was superseded by Resolution 18-73 adopted on July 24, 2018. Section 3, subdivision (j), of Resolution 18-73 charged the HTFHSC with the responsibility of preparing formal bylaws to be adopted by the Committee.

After meeting twice monthly since June 2018, the Committee on December 4, 2018 approved and adopted Bylaws governing the HTFHSC. For the Bylaws to be signed by Committee members, the Committee held its April 1, 2020 meeting via telephone conference due to COVID-19. All Committee members present authorized by motion the inclusion of their e-signatures on the Bylaws approved December 4, 2018, as reauthorized on March 17, 2020. On April 3, 2020, committee member Brett Watson authorized his e-signature by email to Committee Chair Lynn Martinez and member Michelle Nielsen. The signed Bylaws are included as Attachment 1.

The Bylaws adopted by the HTFHSC on December 4, 2018 and as reaffirmed by members of the HTFHSC on March 17, 2020, define the HTFHSC purpose, membership, term of office, officer nomination and duties, designation of staffing, meetings, including that meetings shall be open to the public and subject to the Ralph M. Brown Act, Government Code Section 54950, et seq., removal of members, conflict of interest, the duties of the HTFHSC, and the Bylaw amendment process. In summary, the Bylaws in Attachment 1 fulfill the Committee's responsibility in accordance with Resolution 18-73.

The attached Bylaws were included as an element of the April 28, 2020, agenda item regarding the County's housing demands, options for a housing trust fund, and considerations for the HTFHSC (see File No. 20-440). As the Board did not give specific direction on this component of the agenda item, staff is returning for the Board to certify the Committee's adopted Bylaws.

FINANCIAL IMPACT:

Administrative support for the HTFHSC will continue to be handled by staff of the Department of Health and Human Services and the Planning and Building Department. Salary costs are already included in the FY 2019-2020 budget.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by protecting vulnerable populations .

OTHER AGENCY INVOLVEMENT:

None.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion.

ATTACHMENTS:

- 1a. Resolution of the Humboldt County Board of Supervisors
- 1b. Bylaws as approved and adopted by the HTFHSC on December 4, 2018.

PREVIOUS ACTION/REFERRAL:

Board Order No.: Resolutions No. 18-14 and 18-73

Meetings of: February 27, 2018, July 24, 2018, January 14, 2020, and April 28, 2020

File Nos.: 20-4 and 20-440



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**

3015 H Street Eureka CA 95501  
Phone: (707) 445-7541 Fax: (707) 268-3792

**To:** Housing Trust Fund and Homelessness Solutions Committee

**Date:** May 28, 2020

**Subject:** Accessory Dwelling Unit Ordinance Presentation for the 6/10/2020 HTFHSC Agenda

Lynn and Robert,

My name is Mary Milner, the Planner assigned to present information regarding the county's proposed Accessory Dwelling Unit Ordinance to the Committee at its June 10, 2020 meeting. We are providing this information at the direction of Director Ford. The Planning Commission is currently reviewing the draft Ordinance, probably continuing through mid-June and perhaps July 2020.

The draft ADU Ordinance advances the County's Zoning Ordinance toward allowing the type of development seen in Opportunity Village in Eugene, Oregon. It defines tiny homes and moveable tiny homes as permanent residences, paving the way for their use in residential areas. The first use of those types of structures will be as ADU's, as outlined in the ordinance. This will be followed by further amendments to the Zoning Ordinance to specifically allow Tiny House Villages, which is closer to the Opportunity Village model of housing.

We welcome your feedback and suggestions on any and all parts of the draft Ordinance. Our website, <https://humboldt.gov.org/2448/2019-Housing-Element> has links to Inland and Coastal drafts of the ordinance, meeting schedules, and ongoing information about the approval process. Please feel free to call or email me or Michael Richardson with any questions or for other information.

Sincerely,

Michael Richardson, Supervising Planner  
Planning and Building Department  
(707) 268-3723  
[mrichardson@co.humboldt.ca.us](mailto:mrichardson@co.humboldt.ca.us)

Mary Milner, Planner  
Planning and Building Department (707) 268-  
3772  
[mmilner1@co.humboldt.ca.us](mailto:mmilner1@co.humboldt.ca.us)

## **CDBG Covid-19 Response Summary Sheet**

The CDBG Covid-19 Response funding may be used for:

- Public services to respond to COVID-19 impacts
- Public facility improvements to increase capacity for healthcare facilities
- Housing facilities for persons experiencing homelessness
- Economic development to support needs for working capital and furniture, fixtures, and equipment focusing on safety requirements

HUD has elected to waive the federal caps on public services for services that are in response to COVID-19 impacts. Grantees will be required to document that the services funded through CDBG-CV are in response to COVID-19. Any services provided that are not in response to COVID-19 will be subject to the federal 15 percent public services cap.

Humboldt County's Allocation for the first round of funding is about \$300,000. The Cities within Humboldt County will also receive allocations if they apply.

Funds must be expended within 12 mos. of award. It sounds like there will be 2 more rounds of CDBG-CV funding which could be similar amounts.



## 2020 CDBG-CV NOFA FAQ's

### **When will CARES Act funding be available?**

HCD is currently finalizing the CDBG-CV NOFA and application. We anticipate releasing the NOFA on May 18, 2020 and opening the application window on May 25, 2020.

### **Can participants of CDBG entitlement programs apply for State CDBG-CV funds?**

Only California cities or county's that **do not** participate in the HUD-administered CDBG Entitlement program as either a direct entitlement or as part of a County Consortium are eligible to apply.

### **What activities will be allowed with the CDBG-CV Program**

Eligible activities under this Program include:

- Public services
- Public facility improvements
- Public facility acquisition
- Economic development

The Applicant must show a direct nexus between the activity they are applying for and COVID-19. Additionally, the Applicant will need to demonstrate that there will be no duplication of benefits with the use of the CDBG-CV funds.

### **How much funding can be applied for?**

CDBG-CV funds will be distributed via allocation through a simplified application. Estimated allocations can be located in the State of California's 2019-2020 Annual Action Plan Substantial Amendment located on the HCD website at <https://www.hcd.ca.gov/policy-research/plans-reports/index.shtml>.

### **How many activities can we apply for?**

Each jurisdiction can submit up to three (3) applications during this NOFA cycle. The sum of the three applications cannot be more than the total allocation for that jurisdiction.

### **Will pre-agreement costs be allowed?**

Costs incurred in COVID-19 response prior to allocation may be eligible for reimbursement as per the CARES Act. Applicants will be required to identify pre-agreement costs.

### **Does another public meeting need to be held before applying for CDBG-CV funds?**

The public participation requirements have not changed for the CDBG-CV program and will be part of threshold for the CARES Act funding application. However, the Act allows abbreviated public noticing. You may use virtual public hearings, something like zoom or a webinar. If you are doing a virtual public hearing you have to make sure that there is an opportunity for participants to ask questions.

If you already did a resolution for an application under the 2019-2020 open CDBG NOFA, then you will need to do a separate one for the CDBG-CV NOFA. If you have not adopted a resolution for the 2019-2020 CDBG NOFA, you may do one resolution and include all the CDBG activities.

You can find additional information about public participation requirements in our updated "Citizens Participation Requirements for Federal Programs, Plans, and Reports" at: <https://www.hcd.ca.gov/policy-research/plans-reports/index.shtml>

**Does our resolution have to include exactly how much money is going into each activity or can we just state the three activities and figure out the allocations later?**

You will need to include the estimated dollar amounts for each activity. HCD strongly advises that the amounts be listed as Not-to-exceed amounts rather than a hard dollar amount.

For example:

Food Bank

Not-to-exceed \$10,000

**Can we use Program Income (PI) with CDBG-CV funds?**

Yes, you will be able to use your PI for COVID-19 response. When you complete your budget in the grants management system include your PI in the PI section of the budget. PI can be added to the amount of your allocation.

**How can we use PI that is included in an active PI Waiver?**

You have three (3) options:

1. Continue to run the Programs/Activities currently under the PI Waiver as they are approved in the Waiver.
2. Apply for a PI ONLY application through the GMS system. If you choose to use PI funds that are covered in your current PI Waiver for a PI only application or to include the PI with CDBG-CV funding, HCD will need to formally close the waiver. The jurisdiction will need to submit to HCD a letter acknowledging that PI funds are no longer covered under the PI Waiver before you can commit them to a new application. We will want you to confirm the amount of PI cash-on-hand prior to approving a new PI application.
3. Wait for the CDBG-CV NOFA to come out and add the PI into what your allocation is. The same caveat outlined in #2 regarding closing your existing waiver will apply this option as well.

Where can I find the webinar that was held on the CARES Act funding  
The webinar is located on the HCD website at: <https://www.hcd.ca.gov/policy-research/plans-reports/index.shtml>.

#### **Will there be a CDBG-CV NOFA Workshop?**

HCD does not currently have a workshop scheduled. Beginning on Tuesday May 12, 2020 HCD will be hosting a one-hour open Question & Answer sessions each week throughout the application period. This will give Applicants a chance to receive real time answers to their questions relating to CDBG-CV as well as general CDBG questions. You can sign up for our Office Hours here:  
<https://www.eventbrite.com/e/hcd-cdbg-office-hours-tickets-104696798944>.

#### **What is the deadline to submit an Economic Development Application through the current open 2019-2020 CDBG NOFA?**

The current open NOFA will be amended to provide additional time for Economic Development applications. The original competitive deadline will be revised to an over-the-counter process to address current funding needs. The final NOFA deadline is September 15, 2020.

#### **When can we expect guidance about Economic Development (ED) activities allowable in the CDBG NOFAs?**

The NOFAs will detail what economic development activities are allowable. HCD is loosening the requirements for the CDBG-CV and CDBG open NOFAs to allow flexibility for grantees to run ED Programs that are needed in their area. We are **STRONGLY** recommending that Applicants consider their capacity to run an ED Program and suggest partnering with an organization or consultant that has experience with CDBG ED Programs.

**Will non-entitlement jurisdictions get additional funds from the second round of CARES Funds?**

California received its second round allocation notice on May 11, 2020 from HUD and are evaluating funding options. These funds will require updates to the Consolidated Plan and Annual Action plan. The public will have an opportunity to provide input.

**Should non-entitlement jurisdictions that are looking to pool their funds proactively get procurement done ASAP for a contractor to manage the activity?**

Yes. Since there is no HUD procurement waiver, it's best to start this process as soon as possible. We would also recommend jurisdictions looking to pool funds work on getting an executed Memorandum of Understanding or similar agreement between the partner jurisdictions as quickly as they can. The agreement should be legally binding and should include clear expectations and responsibilities for each partner. It should also identify a lead agency that will be responsible for submitting the application and managing the award.

**Can the funding be used to purchase hotels?**

The CDBG-CV does allow for acquisition. Keep in mind that any activity must have a direct nexus to COVID19, so the use of the hotel would be what is key in meeting the objectives of this funding round. Also note that hotel purchase for use as permanent housing will require potential rehabilitation, ongoing operating funds, and may need Article XXIV clearance. Any jurisdiction looking to purchase hotels for conversion to permanent housing should contact us for additional information once they have an outline plan for the activity.

**When do you expect to release the guidelines for CDBG-CV?**

HCD will not be developing a specific set of guidelines just for the CDBG-CV Program. Please refer to the current CDBG Guidelines as they will apply to the CDBG-CV.

**Is it possible to supplement an existing activity on the 2020 application that is COVID related, without being considered duplicative?**

HCD would advise against “stacking” of funds. Awards made under the open 2020 CDBG NOFA have a 36-month expenditure period whereas the CDBG-CV funds will only be for 12 months. If you receive an award from the open 2020 CDBG NOFA and you would like to receive CDBG-CV funds to add to that activity you will need to reach out to HCD to discuss first, to ensure there is not a duplication of benefits.

**IS TBRA allowed with CDBG funds?**

TBRA administration supplement is an allowable activity under the open 2020 CDBG NOFA. CDBG cannot fund TBRA activity. HCD’s CDBG team is working with the HOME Program team to develop a policy that would allow CDBG to coordinate with HOME to provide funding for TBRA administration. Look for upcoming guidance.

**Is an Applicant eligible to apply if they do not have a certified Housing Element?**

A **certified** Housing Element is not required to be eligible. However, HCD will require jurisdictions have an adopted draft that has been submitted to HCD.

**Has the 15% public service cap been waived?**

If you have a COVID related public service that you would like to apply for through CDBG-CV you can go over the 15% cap. Non-COVID public services are still governed by the 15% public services cap. You will need to show a clear nexus with COVID for exemption from the public services cap.

**Can HCD provide an example of Code Enforcement Program Guidelines?**

Currently HCD does not have any sample Code Enforcement Guidelines. We are hoping to get a library of resources online in the future, but as of now do not have the capacity to do so. HCD suggests that you reach out to other jurisdictions and see if they have guidelines they would be willing to share.

**Would any of these activities be eligible for the CDBG-CV?**

- **Developing a loan program for businesses that have cash flow needs for rent?**
- **Modifications to City or retail buildings to reduce touch points (e.g. automatic buttons for door opening)?**
- **Funding for non-profits to assist with food purchasing or rental assistance?**
- **Marketing for economic development? Are the applications going to be submitted through eCivis?**

Yes, all of these are potentially eligible activities.

All applications will need to be submitted through the eCivis grants management system.

**Can funding be used to connect an existing shelter to City water/sewer to allow for additional capacity for homeless individuals?**

Under the open 2020 CDBG NOFA this is an eligible activity. We will be asking that shelter operators comply with HUD and CDC guidance for supporting social distancing in any shelter improvements.

**Will forgivable loans be allowed?**

Yes, we are building that into our CDBG-CV program. HCD will set the maximum loan amounts and minimum loan terms.

**How does COVID impact funding for shelters? Given that organizations may have larger costs to prevent infection, can agencies adjust a current or future CDBG award to cover these new costs?**

CDBG can be used to provide capital resources for shelter modification. If an awardee or an applicant is looking to make modifications to an existing award or would like to

discuss a specific application, please reach out to us. We will be evaluating projects on a case by case basis to make sure we are complying with HUD and CDC guidance regarding congregate shelters.

**If we have a 19/20 CDBG application for public services and/or ED submitted now, can we apply for the CDBG-CV funds as well?**

Yes, that is allowed. The best practice is to use the CDBG-CV funding for a different program/project than your CDBG application. If you would like to use the CDBG-CV funding for the same activity that is in your CDBG application, then it is important to ensure that there will not be a duplication of benefits. If you have questions, please email [cdbg@hcd.ca.gov](mailto:cdbg@hcd.ca.gov).

**Can we use current CDBG-CV funding for public outreach for use of future funds to be released?**

Public outreach is required on a funding opportunity by opportunity basis. Public outreach cannot be frontloaded and must be tied to the specific activities proposed for funding. Public outreach must be compliant with the "Citizen Participation Requirements for Federal Programs, Plans, and Reports". Some CDBG-CV admin funding may be eligible for public outreach costs, but it would need to have a direct relationship to COVID and to the activities being proposed for funding.

**Can the Non-profit who was procured to do the ME TA in the County for a 2018 CDBG grant be our subrecipient in our FA grant application for 2019-2020 funds?**

Yes. Subrecipients do not have to be procured.

**Will CDBG-CV funding count against the 50% rule?**

HCD is evaluating waving the 50% rule



**Is the CDBG-CV first come first serve?**

No. This is an allocation. Once we receive a complete application and confirm that the activity meets the terms of the NOFA the Applicant will receive their allocated amount.

**For monitoring and 12-month expenditure requirement purposes, do jurisdictions need to spend all the 1<sup>st</sup> round funds prior to receiving funding from the 2<sup>nd</sup> round of CDBG-CV funds?**

HCD has not yet determined the method of distribution for the 2<sup>nd</sup> round of CDBG-CV funding. Expenditure requirements will be a consideration in the development of a method of distribution and there will be opportunity for public input prior to implementation.

**For the 2<sup>nd</sup> round of CDBG-CV funds, will an Applicant have to create a separate activity application so it has its own dedicated 12-month period expenditure or will the 2<sup>nd</sup> round of funding be applied to the 1<sup>st</sup> round activity?**

Currently HCD does not have program parameters for the 2<sup>nd</sup> round of CDBG-CV funding in place. However, it is expected that you will need to complete a separate application for 2<sup>nd</sup> round funding. If you are intending to use the 2<sup>nd</sup> round funding on the same activity from round 1, you must ensure there is not going to be a duplication of benefits.

**Will funding for permanent single tiny homes used for transitional homeless housing be an eligible activity?**

CDBG-CV funding must adhere to the same eligibility requirements as regular CDBG. New construction of housing (including tiny home construction) is not eligible under CDBG.

**How long can a federally procured consultant be?**

The contract can be for up to 5 years, however best practice would be to write the

**Can funds be used to assist people impacted by COVID19 pay their rent/utilities?**

Yes, this is a public service activity that is allowable as subsistence payments. HCD recommends partnering with an organization that has experience with this type of program to ensure the program is run the correct way. Subsistence payments must be short term and have specific limitations on use and timing.

## Nielsen, Michelle

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**From:** Cummings, Doniell@HCD <Doniell.Cummings@hcd.ca.gov> on behalf of PLHA@HCD <PLHA@hcd.ca.gov>  
**Sent:** Wednesday, June 3, 2020 1:24 PM  
**To:** Nielsen, Michelle  
**Subject:** Re: Humboldt County: Questions re the PLHA questions

Hi Michelle,

That is a totally fair question. I reviewed the guidelines on this particular section to make sure I am making the correct recommendation. In reading guidelines section 301(a)(6) here is the language:

(6) Assisting persons who are experiencing or At risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.

The assistance has to be tied to a housing need or even a navigation center. Although, laundry vouchers are certainly a worthy cause they don't work for this source of funding.

Thank you,  
Doniell

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**From:** Nielsen, Michelle <MNielsen@co.humboldt.ca.us>  
**Sent:** Wednesday, June 3, 2020 9:56 AM  
**To:** PLHA@HCD <PLHA@hcd.ca.gov>  
**Subject:** Humboldt County: Questions re the PLHA questions

Hi Doniell. Thanks for your reply and guidance.

- Regarding the 5 year plan: Your reply confirms what I thought: we cannot submit a plan for a only a portion of the formula allocation. The 5-year plan must be for the full amount of the PLHA formula allocation and for a 5-year timeframe.
- Regarding the laundry vouchers not being an eligible use for PLHA funds. We have been under the impression that this activity would fall under the umbrella of "assisting persons who are experiencing homelessness or are at risk of homelessness, including, but not limited to...". What are we missing here? We'd appreciate any guidance you're able to provide.

Thanks for offering to help steer us the right direction. Best, Michelle

*I'm working remotely at this time. I'm regularly responding to emails and phone calls during normal business hours. I can be reached at 707-268-3708.*

Michelle Nielsen, Senior Planner  
Long Range Planning  
[Planning & Building | Humboldt County, CA - Official Website \[humboldtgov.org\]](https://www.humboldtgov.org)  
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Main: 707-445-7541  
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[mnielsen@co.humboldt.ca.us](mailto:mnielsen@co.humboldt.ca.us)

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**From:** Cummings, Doniell@HCD <Doniell.Cummings@hcd.ca.gov> **On Behalf Of** PLHA@HCD  
**Sent:** Thursday, May 28, 2020 3:49 PM  
**To:** Nielsen, Michelle <MNIelsen@co.humboldt.ca.us>  
**Subject:** Re: Questions re the PLHA questions

Hi Michelle,

The five year Plan has to be for the full 5 years of funding so yes, you would need to identify each year of allocation and how you would be utilizing the funds. You do have the option of waiting to apply until next year when you have more time to develop a Plan. You also, may commit to a five year plan and request an amendment later. So there's a couple of options in that regard. This is what I anticipated.

Laundry vouchers would not be an eligible use for PLHA funds. What is the goal you are intending for the allocation? You mention homelessness which is an option under eligible activities. I am happy to help steer you in the right direction, just let me know.

Thank you,  
Doniell

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**From:** Nielsen, Michelle <[MNIelsen@co.humboldt.ca.us](mailto:MNIelsen@co.humboldt.ca.us)>  
**Sent:** Wednesday, May 27, 2020 3:33 PM  
**To:** PLHA@HCD <[PLHA@hcd.ca.gov](mailto:PLHA@hcd.ca.gov)>  
**Cc:** Richardson, Michael <[MRichardson@co.humboldt.ca.us](mailto:MRichardson@co.humboldt.ca.us)>  
**Subject:** Questions re the PLHA questions

Good afternoon HCD staff. The Humboldt County Board of Supervisors is considering setting aside \$140,000 of its first year PLHA allocation for homelessness solutions activities/projects. For the remaining balance of the funds, the County is still reviewing potential activities but use of these funds is largely undetermined at this time. It is anticipated the 2020 PLHA application scope would be limited to \$140,000 and homelessness solutions projects.

Humboldt County staff is aware of the threshold requirement for a 5-year plan per Section 302(c)(4) of the Guidelines. Question:

- Can the 5-year plan be only for this \$140,000 set aside? Or, does the 5-year plan have to encompass and plan for the full \$344,448 allocation even though only a portion of the funds will be applied for in 2020?

Another question: Geographic area where funds are used: It appears only Section 301(c) of the Guidelines speaks to geographic limitations. For activities involving facilities of a permanent or temporary nature, providers have a high degree of geographic control of their physical location. In the case of providing services, e.g., laundry vouchers, while the distribution location maybe controllable, the location of where, in this case the voucher is used, seemingly is outside the control of the provider. Does this scenario present an issue?

Please do not hesitate to contact me if you have any questions about this email. Thank you for your help. Stay well,  
Michelle

*I'm working remotely at this time. I'm regularly responding to emails and phone calls during normal business hours. I can be reached at 707-268-3708.*

Michelle Nielsen, Senior Planner

Long Range Planning

[Planning & Building | Humboldt County, CA - Official Website \[humboldt.gov\]](http://humboldt.gov/planning-and-building)  
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# Draft Accessory Dwelling Unit Ordinance changes

COUNTY OF HUMBOLDT

Planning and Building Department

May 27<sup>th</sup> 2020  
MMAC Meeting



## Presentation Overview

- History - Humboldt County's Second Unit Ordinance  
1980 – 2017
- What the Draft Does - Response to 2017 and 2019 State mandates and community needs
- Key Comments - Referral Agency & Public Workshop Comments
- Proposed Alternative Owner Builder Regulations Amendments
- Proposed Building Code Amendments



# Definitions and Navigation

- Secondary Dwelling Units are now Accessory Dwelling Units (ADUs)
  - HCC 87.1 Second Units repealed
  - HCC 69.05 Accessory Dwelling Units proposed

*State mandated provisions are highlighted in blue*

## Accessory Dwelling Units (ADUs)

- Shares lot with a proposed or existing dwelling
- Allowed with a building permit only, if standards met
- 1200 ft<sup>2</sup> size limit

Vs.

## Tiny House (TH) and

## Moveable Tiny House (MTH)

- Defined as *building type*
- May be ADUs, but can also be independent dwellings
- 400 ft<sup>2</sup> size and other criteria





# Definitions and Navigation

## Accessory Dwelling Units (ADUs)

- Relaxed zoning and building restrictions
- 1200 ft<sup>2</sup> size limit
- May be attached or detached
- Separate bathroom

Vs.

## Junior Accessory Dwelling Units (JADUs)

- Even more relaxed restrictions than ADUs
- 500 ft<sup>2</sup> size limit
- Must be within the space of proposed or existing single family dwelling
- Separate bathroom not required

- In residential and mixed-use zones, both a JADU plus an ADU are allowed on a lot if certain conditions are met. 69.05.3.8
- Note: State law does not provide for multiple ADU's outside of areas zoned residential.



## Humboldt County's Second Unit Ordinance 1980 – 2017

- *Added in 1989*
  - Principally permitted in the residential zones
  - Density limits outside residential zones
  - “Compatibility with the neighborhood” required
- *1998 changes*
  - Replaced Conditional Use Permit with Special Permit
  - Flexible development standards
  - No “one second unit per two year” limit
- *2010 changes*
  - Incentivized in “Housing Opportunity Zones”
    - o More often principally permitted
    - o Reduced road improvement and parking



## Draft Responses to 2017 and 2019 State Law

### *Beginning January 1, 2020*

- Second unit ordinance is nullified
- Accessory Dwelling Unit (ADU) Requirements
  - Principally permitted where single-family or multifamily dwelling residential use is allowed
  - Must be ministerially permitted within 60 days
  - Allows “Junior ADUs” and ADUs
  - Presumes that ADU or JADU does not violate density requirements
  - Mandatory 5 year delay of enforcement for building code violation on ADUs built before Jan. 1, 2020, if no health or safety threat



## Draft Responses to 2017 and 2019 State Law

- Accessory Dwelling Unit (ADU) Requirements, cont.
  - No new connection fee for water, sewer, or power service for attached ADUs and JADUs
  - Connection fees for detached ADUs must be proportional to use
  - Setback requirements of four feet
  - Only one added parking space, none in some cases
  - Allows conversion of non-livable space in multifamily developments to ADUs



## Draft Responses to 2017 and 2019 State Law

- Local Ordinance Initiatives
  - Tiny Homes and Moveable Tiny Homes
  - Alternative Owner Builder Ordinance
  - Public Health and Safety Protections



# Key Referral Agency & Public Workshop Comments

	HCC Section
• Workshops and Public Comments	
– Make allowance for ADUs over 1200 ft <sup>2</sup> on large parcels.	69.05.4.3.1
– Clarify rules for existing and future ADU vacation rentals	69.05.3.4
– AOB inspections, relationship between safe homes and ADU	331.5
– Requested Safe Homes workshop	NA
– Allow ADUs as accessory to alternative owner-built residences	331.5
– DMV registration and financing are obstacles to using tiny houses as ADUs	148
– No restrictive design and architectural standards for Tiny Houses	155
– Applying Firesafe without exceptions would limit ADUs in many areas.	69.05.6
– County should relax or revisit the fees for septic and water	Outside ord.
– The state's rules for sewer/water are too restrictive.	Outside ord.

## Key Referral Agency & Public Workshop Comments

- Humboldt Community Service District
  - HCSD is concerned about inability to charge connection fees for new ADUs. Only applies to attached units.
  - Questions about how to implement connections for moveable tiny houses (MTHs).
  - Suggestion: different connection type and fee arrangements for long term vs. short term MTHs
  - Suggestion: a survey of costs and practices among the service districts would be helpful.



## Key Referral Agency & Public Workshop Comments

- Humboldt County Building Dept
  - Consider adding 2019 CA Residential Code Appendix Q Tiny Houses to the language of the ordinance.
  - Will need to work out whether/how Energy requirements will be addressed.





## Key Referral Agency & Public Workshop Comments

- Department of Environmental Health
  - Discussed permitting of ADUs in “septic system waiver prohibition areas”.
  - Comfortable that their referral process is adequate



## Key Referral Agency & Public Workshop Comments

- CA Housing and Community Development
  - Confirmed that it meets requirements of state law



## **Proposed Alternative Owner Builder (AOB) Regulations Amendments**

- Delete requirements that AOB units must be owner-occupied.
- Allows ADU's to be AOB units.
- Replaces the “one application per five year” limit with “one application per two year” limit.



## **Proposed Building Regulation Amendments**

- Add “Appendix Q” codes to address Tiny Homes
  - Reduced ceiling height limits
  - Use of ladders instead of stairs
  - Use of lofts as living space.

